IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO.682 OF 2006

Rochiram Pribhdas
Kalwani and Ors. ..Petitioners
Vs.
State of Maharashtra
and Or. ..Respondents

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Mr.Mahesh Jethmalani counsel with Dinesh Tiwari Advocate for Petitioners
Mr.I.S.Thakur A.P.P. for State.
Mr.S.I.Jayakar for Respondent No.3

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CORAM : D.G.DESHPANDE AND SMT.V.K.TAHILRAMANI,JJ.
DATE : APRIL 4, 2006

P.C.

1. Heard the learned counsel for the petitioners (original accused), learned A.P.P. for the State and learned advocate appearing for the respondent no.3. The respondent no.3 who is the original complainant in C.R.No. 408 of 2004 of Mulund Police Station, is present in person. The said case is under Section 498-A r.w. 34 of IPC.

2. The petitioners have prayed for quashing of C.R.No. 408 of 2004 of Mulund Police Station. The learned counsel for the petitioners as well as respondent no.3-original complainant, state that the matter has been amicably settled amongst

themselves.

3. The proceedings i.c. C.C.No.524/PW/2005 between the parties were pending before the Metropolitan Magistrate, Mulund, Mumbai. Divorce proceedings i.e. Petition No. A-498 of 2005 were also pending between son of Petitioners Nos.1 and 2 and Respondent No.3 before the Family Court Bandra, Mumbai. During the course of hearing in the divorce proceedings, an application came to be filed whereby both the parties consented to withdraw all the legal proceedings and various litigation filed before all the courts. Ultimately, consent terms were filed by both the parties in the divorce petition wherein both the parties inter alia agreed to quash the present case. The copy of the consent terms is annexed to the petition.

4. It is stated on behalf of the complainant as well as the petitioners that settlement has been arrived at between the parties. It is further stated that in view of the settlement, the complainant does not wish to proceed with the proceedings i.e. C.C.No.524/PW/2005 arising out of C.R.No.408 of 2004 of Mulund Police Station. The

complainant (Respondent No.3) who is present in person, states that as per the consent terms, she has received the amount of Rs. 8 lakhs and she does not wish to prosecute her complaint against any of the accused.

5. In view of the fact that parties have settled the disputes, in our view, no purpose would be achieved by continuing with the proceedings as the complainant does not wish to pursue the matter any further. In the decision of the Apex Court in the case of **B.S.Joshi and Anr. Vs. State of Haryana reported** in Criminal Law Journal 2003 Page 2028 which case is also under Section 498-A of IPC, it is observed that if for the purpose of securing the ends of justice, quashing of F.I.R. would become necessary, Section 320 of Cr.P.C. would not be a bar to the exercise of power of quashing. In view of these observations of the Apex Court and facts and circumstances of this case, the proceedings i.e. C.C.No.524/PW/2005 pending before learned Metropolitan Magistrate at Mulund and C.R.No. 408 of 2004 of Mulund Police Station are quashed and set aside.

. Writ petition is disposed of.

[D.G.DESHPANDE, J.]

[V.K.TAHILRAMANI,J.]